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December 19, 2024

VIA ECF

Hon. Paul A. Engelmayer, U.S.D.J.
United States District Court
Southern District of New York
40 Foley Square, Room 2201
New York, NY 10007

**Re: *Kitchen Winners NY Inc. v. Rock Fintek LLC*,
Case No. 22-cv-05276-PAE
Our File No: 5529.0002**

Dear Judge Engelmayer:

This firm represents plaintiff and counterclaim-defendant Kitchen Winners NY Inc., as well as third-party defendant Adorama Inc. (collectively "Defendants").

We write to request an extension of time within which to file a supplemental letter relating to the remaining pending motions *in limine*. Specifically, on December 12, 2024, we appeared before the Court for a conference at which the Court issued a lengthy decision from the bench and directed Defendants to file a supplemental letter by today – December 19, 2024.

As I left the Courtroom, I asked the Court reporter for the form to request the transcript. She handed me the form and, as it seemed like the wrong form, I specifically inquired if there was perhaps a different form that I should complete. I was told that the rest of the form did not matter and that I had adequately filled out the request. On Tuesday, I received an email from the Court Reporters' office advising that I completed the wrong form and would need a different form.


I immediately processed a request for a rush transcript online and called their office. I told them that I had a deadline to file a letter by Thursday. I was promised that I would have it by Thursday morning – latest. I called them multiple times today and was told that the Court Reporter was in court all day and they do not know when I will have the transcript.

The letter requested by the Court is almost complete, but my notes and memory are not a substitute for the actual transcript, which I do not have. I respectfully ask for another week to file the letter to ensure that I have the transcript before the letter is due. My sincere apologies for the belated request. I held back from needlessly running to the Court as long as I thought I might have the transcript by this afternoon.

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I thank the Court for its continued attention to this matter.

Respectfully submitted,


Alexander J. Sperber

cc: All Counsel (via ECF)

DENIED. The Court permitted counsel to file supplemental letters to their motions *in limine* on the discrete issues identified at the conference as a special courtesy. The Court timely received the letter submission from counsel for defendant, Dkt. 186, and in turn expects a timely submission from plaintiffs' counsel. The Court does not appreciate counsel's eleventh-hour attempt to procure an extension nor its attempt to pin its explanation for its belatedness on our court reporter. Counsel are expected to take notes at the conference. Counsel's ability to produce a short letter on the discrete issues identified by the Court at that conference should not turn on whether a rush transcript has been produced to them on their timeline.

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

Date: December 19, 2024